

OCT 21 2004

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In re application of: Julian Adams, et al.
Application No.: 10/730,231 Group No.: 1626
Filed: December 8, 2003 Examiner: Saeed, Kamal A.
For: BORONIC ESTER AND ACID COMPOUNDS, SYNTHESIS AND USES

Practitioner's Docket No. MPI94-008CP2DV2CN5M

PATENT

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Submitted herewith:

Transmittal	2 pages
Response to Restriction Requirement	3 pages
Total (including Fax Transmittal)	6 pages

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith for this application is/are:
 - a. This Transmittal (2 pages);
 - b. Response to Restriction Requirement (3 pages)

STATUS

2. Applicant is other than a small entity.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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FEE DEFICIENCY

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MILLENNIUM PHARMACEUTICALS, INC.
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Cambridge, MA 02139

October 21, 2004

MILLENNIUM PHARMACEUTICALS, INC.

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Practitioner's Docket No. MPI94-008CP2DV2CNSM**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Adams, Julian, et al
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is filed in response to the Office communication dated September 21, 2004. Although headed Election/Restrictions and purporting to require restriction, the Office communication does not set forth the Groups that the Examiner believes to constitute patentably distinct inventions. Applicants therefore understand the Office communication to be a requirement for a provisional election of species. M.P.E.P. § 803.02.

Applicants thank the Examiner for his helpful remarks during a telephone conference with their undersigned representative on October 19, 2004. During this conference, the Examiner confirmed that a

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Ann Sherry

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Date: 21 October 2004

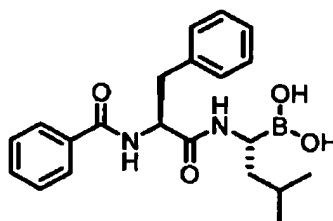
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provisional election of species would constitute a fully responsive reply to the outstanding Office communication.

Pursuant to M.P.E.P. § 803.02, therefore, Applicants provisionally elect the species MG-353, having the formula:



Support for this election is found, *inter alia*, at page 87 of the specification. The elected species corresponds to a compound of formula (1a), wherein:

P is an amino group protecting moiety;

A is zero;

X² is -C(O)-NH-;

R is hydrogen;

R² is -CH₂-R⁵;

R³ is C₄ alkyl;

R⁵ is aryl, wherein R⁵ is optionally substituted by one or two substituents independently selected from the group consisting of C₁₋₆ alkyl, C₃₋₈ cycloalkyl, C₁₋₆alkyl(C₃₋₈)cycloalkyl, C₂₋₈ alkenyl, C₂₋₈ alkynyl, cyano, amino, C₁₋₆ alkylamino, di(C₁₋₆)alkylamino, benzylamino, dibenzylamino, nitro, carboxy, carbo(C₁₋₆)alkoxy, trifluoromethyl, halogen, C₁₋₆ alkoxy, C₆₋₁₀ aryl, C₆₋₁₀ aryl(C₁₋₆)alkyl, C₆₋₁₀ aryl(C₁₋₆)alkoxy, hydroxy, C₁₋₆ alkylthio, C₁₋₆ alkylsulfinyl, C₁₋₆ alkylsulfonyl, C₆₋₁₀ arylthio, C₆₋₁₀ arylsulfinyl, C₆₋₁₀ arylsulfonyl, C₁₋₆ alkyl(C₆₋₁₀)aryl, and halo(C₆₋₁₀)aryl; and

Z¹ and Z² are each hydroxy.

Claims 1-24 are presently pending in the application. Claims 1-4, 8-10, 12-17, and 21-24 read on the elected species.

Applicants point out that the presently claimed compounds share a common utility (proteasome inhibition) and share a substantial common structural core. Applicants submit, therefore, that the full scope of the claimed subject matter properly should be examined together and that search and examination of the full scope of the claims can be made without serious burden. Accordingly, Applicants respectfully request that examination be conducted pursuant to the procedure outlined in

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M.P.E.P. § 803.02, and hereby reserve the right to traverse to the extent that this procedure is not followed.

This response is being timely filed within the one-month time period set for reply. No extensions of time are believed to be required. However, in the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

21 October 2004

Respectfully submitted,

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